



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX – SOUTHERN CALIFORNIA FIELD OFFICE
ENFORCEMENT DIVISION
600 Wilshire Blvd, Suite 1460
Los Angeles, CA 90017

NOV 28 2016

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Return Receipt Requested

Mr. Richard Warpack, President
Modern Concepts, Inc.
3121 East Ana Street
Compton, CA 90221

Subject: Information Request under Section 308(a) of the Clean Water Act

Dear Mr. Warpack:

On behalf of the U.S. Environmental Protection Agency (EPA), I am writing today to request information from Modern Concepts, Inc. regarding storm water management at its facility located at 3121 East Ana Street, Compton, California 90221 (Facility). This request for information (Information Request) is being directed to you, as the President, pursuant to Section 308(a) of the Clean Water Act (CWA), 33 U.S.C. § 1318(a), which authorizes EPA to require persons subject to the CWA to furnish information, conduct monitoring, provide entry to the Administrator or authorized representatives, and make reports as may be necessary to carry out the objectives of the CWA.

Please submit the information listed in Appendix A by no later than January 6, 2017, and include with your response the following certification signed by you, your responsible corporate officer, or duly authorized representative:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Failure to comply with this Information Request can result in an enforcement action for appropriate relief and penalties under Section 309 of the CWA, 33 U.S.C. § 1319. Compliance with this Information Request does not relieve you of your obligation to comply with the CWA or other applicable laws and permits. You cannot withhold from EPA what you consider to be confidential business information. However, you have the discretion to assert, at the time of

submission, a claim of business confidentiality for part or all of the requested information by following the requirements at 40 C.F.R. § 2.203(b). EPA will not disclose any information covered by such a claim except as authorized by 40 C.F.R. Part 2, Subpart B. If no claim of business confidentiality is received with your submission, EPA may make the information available to the public without further notice to you. All confidentiality claims are subject to EPA verification.

This Information Request is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act because it is directed to fewer than ten persons and is therefore not a "collection of information" under 44 U.S.C. §§ 3502(3). It is also an exempt activity under 44 U.S.C. § 3518(c) and 5 C.F.R. § 1320.4.

Additionally, EPA has created a number of resources for small businesses. EPA has established the Small Business Compliance webpage at <https://www.epa.gov/compliance/small-business-compliance> that includes links to other resources as well. We have also enclosed a fact sheet about the Small Business Regulatory Fairness Act.

Please submit your response to Daniel Haskell via email at haskell.daniel@epa.gov. Alternatively you can submit your response to:

U.S. Environmental Protection Agency, Region 9
Southern California Field Office
Enforcement Division
600 Wilshire Blvd, Suite 1460
Los Angeles, CA 90017
Attention: Daniel Haskell

If you have questions regarding this Information Request, please contact Daniel Haskell at (213) 244-1816 or via email at haskell.daniel@epa.gov. For legal questions, please contact Sara Goldsmith in our Office of Regional Counsel at (415) 972-3931 or via email at goldsmith.sara@epa.gov.

Sincerely,

A handwritten signature in blue ink that reads "Thanne Berg". The signature is fluid and cursive, with the first name "Thanne" and last name "Berg" clearly distinguishable.

Thanne Berg, Acting Assistant Director
Enforcement Division

Enclosure: Appendix A
Small Business Resources Information Sheet

cc via email (w/encl):

Ejigu Solomon, LA RWQCB

Appendix A
CWA Section 308(a)
Information Request
Modern Concepts, Inc.

Under the authority of Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a), the United States Environmental Protection Agency, Region 9 (EPA) requires you, as the President of Modern Concepts, Inc., to provide to EPA the information described below.

DEFINITIONS

The following terms shall have the following definitions for this Information Request:

1. "Document" means all written, recorded, computer generated, or visually or aurally reproduced materials of any kind in any medium in your possession, custody or control or known by you to exist, including all originals, drafts and non-identical copies. The term includes, without limitation, all reports, studies, surveys, plans, transcripts, permits, licenses, deeds, maps, drawings, schematics, specifications, instructions, calculations, monitoring data, rental records, contacts, agreements, bid documents, purchase orders, work orders, invoices, payment records, spreadsheets, communication records, correspondence, notes, memoranda, photographs, and videos.
2. "Facility" means the facility located at 3121 East Ana Street, Compton, California, owned and/or operated by Modern Concepts, Inc.
3. "General Permit" means the State of California's NPDES General Permit for Storm Water Discharges Associated with Industrial Activities, Order No. 2014-0057-DWQ, available at:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2014/wqo_2014_0057_dwq_rev_mar2015.pdf

INFORMATION REQUEST

1. Provide a narrative description of the primary industrial activities performed by Modern Concepts, Inc. at its Facility, including a description of the:
 - a) Type and source of all raw materials purchased or otherwise acquired for processing at the Facility;

- b) Industrial process or processes employed; and
 - c) Primary output(s) or product(s) generated.
2. Provide the date on which Modern Concepts, Inc. began industrial activities, as described in response to question #1 above, at its Facility.
 3. Provide copies of any and all completed Permit Registration Documents (PRDs) for Notice of Intent (NOI) coverage under the General Permit that have been submitted for the Facility via the State Water Board's Storm Water Multiple Application and Report Tracking System (SMARTS) website. Also provide the beginning date of General Permit coverage, if any.
 4. Provide copies of any and all Storm Water Pollution Prevention Plans (SWPPPs), including any that have been updated with the *Special Requirements for Plastic Materials* found at Section XVIII (A) of the General Permit, that have been submitted for the Facility via SMARTS. Also provide the date of completion of each SWPPP.
 5. Provide photographs and the date that any control measures outlined in the SWPPP were, or will be, installed and made operational or otherwise implemented at the Facility.
 6. Provide a description of the steps that have been or will be taken to operate and/or maintain the control measures described in question 5 above, and provide an estimate of the dates on which such operation and maintenance will occur.
 7. Prior to obtaining General Permit coverage, describe Modern Concepts, Inc.'s efforts to conduct and document inspections of its Facility.
 8. Provide the number of employees Modern Concepts, Inc. employs at this Facility, including their title and a brief description of their work.
 9. Provide the address of all other facilities that Modern Concepts, Inc. currently owns and/or operates. For each such facility, provide a description of the operations conducted and the number of employees currently employed.
 10. Explain if Engineered Coatings operates at this Facility, and if so, describe its operations and its business affiliation with Modern Concepts, Inc.